

MAINE DEPARTMENT OF EDUCATION
LD 1716—RESOLVE, REGARDING PARTICIPATION IN THE FEDERAL
NO CHILD LEFT BEHIND ACT OF 2001
JOINT STANDING COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS
STATEMENT BY COMMISSIONER SUSAN A. GENDRON
FEBRUARY 3, 2004

The implementation in Maine of the federal No Child Left Behind Act, the 2001 reauthorization of the Elementary and Secondary Education Act, has raised an array of educational, philosophical, financial, and political concerns. While NCLB is intended to bring about improved educational outcomes for underserved populations and support States in their efforts to ensure that all students achieve State standards, the implementation of the complex mechanisms of the law has obscured many of the short-term potential benefits. Most significantly, the time and effort required to first understand and then implement the complex federal regulations have detracted from, rather than supported, the implementation of Maine's *Learning Results*. Rather than benefit from the increased urgency, public reporting of achievement results, and additional federal dollars, the overall impact of NCLB in Maine, I fear, has led to public confusion, oversimplification of school effectiveness indicators, and widespread educator discouragement.

Therefore, I support, with qualifications, the intent of the two basic issues raised in LD 1716. First, I am supportive of the goal of avoiding the use of scarce State resources, which would otherwise be used to implement Maine's *Learning Results*, in support of No Child Left Behind. That said, I am concerned that the LD in its current form is not specific enough to give the Department of Education clear guidance on how to achieve this end. The fact is that clear boundaries between NCLB and State reform programs are not always easy to determine. For example, improvement programs for schools identified under NCLB often involve the assistance of Department subject area or assessment specialists whose salaries are paid with State funds. Additionally, is it the intent of this bill to control the use of state dollars to apply to GPA allocations to districts as well? If the intent of this aspect of LD 1716 is to protect the implementation of Maine's *Learning Results*, to require full federal funding of the NCLB requirement, and to appropriately integrate the state and federal resources, then I would suggest that language be added to the bill to clarify its precise intent and permit the Department to take a flexible approach in addressing the requirements.

Second, I support the LD's intent of conducting a study to determine the potential impact of opting to not accept the \$86 million in federal NCLB allocations. However, I would recommend that the following additional aspects of NCLB implementation be added to the study:

1. An examination of the potential gap between federal NCLB funds and the resources needed to meet the goal of 100% of Maine students achieving proficiency of State standards by 2014. To fully determine this potential gap, the study should evaluate the federal commitment to fully fund NCLB. The

study should also assess the relationship with current and historical funding support for the Individuals With Disabilities Act (IDEA). Maine currently receives \$43 million in federal funds through IDEA.

2. The impact of not participating in NCLB, if any, may have on other federal funds Maine receives. It is important, as well, to examine any federal requirements for State matching contributions as a condition for receiving federal dollars.
3. A summary of efforts completed or underway in other States that share similar goals of assessing potential impacts of not accepting NCLB funds, and approximating the costs of full implementation. I have attached to this statement copies of a summary of studies currently underway in States across the nation. In addition, the Council of Chief State School Officers is preparing a framework for State analysis, with results anticipated by mid-summer 2004.
4. An assessment of the educational, philosophical, attitudinal, and staffing effects—resulting from NCLB—that are occurring in school districts in Maine. Toward this end, it will be essential to link further investigation of this issue to the Teacher Workload Task Force.
5. And finally, an assessment of the current and projected capacity of the Maine Department of Education to simultaneously support the implementation of the *Learning Results* while ensuring effective compliance with NCLB. As well, the study should evaluate the potential loss of the 17 NCLB-funded and 24 IDEA-funded positions within the Department.

In closing I would add that I appreciate the spirit of LD 1716, in that it seeks, I believe, to ensure that the highest priority be given to achieving the goals of Maine's *Learning Results*. Since the 1996 passage of the *Learning Results* law, Maine has attempted to build a strong State and local partnership, a system of accountability built on student centered learning, local assessment practices, intensive professional development, effective use of data. No Child Left Behind has introduced strategies and mechanisms that, while well intentioned, take a fundamentally different approach to accountability. It is my belief that one of our most important immediate tasks is to reconcile these different approaches, to take the positive aspects from the NCLB approach, build on the law's implicit sense of urgency and commitment to parental and public involvement, and redouble our *own* sense of commitment to Maine students. I stand ready to work with the Education Committee, the Maine Legislature, Governor Baldacci, our educators, parents, and citizens Maine's Congressional delegation, and the USDOE to build an educational system that is second to none.